

ATTORNEY DOCKET NO.: 2003627-0006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Oettinger, *et al.* Examiner: To be assigned  
Serial No.: 10/763,051 Art Unit: 2882  
Filing Date: January 22, 2004  
Title: INTEGRATED X-RAY SOURCE MODULE

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**

**37 CFR § 1.27(c)**  
**SMALL BUSINESS CONCERN**

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR §1.27(a)(2) on behalf of INPHO, Inc..

This assertion is made on the ground that INPHO, Inc. is a concern, as set forth in 13 CFR §121.802,

(a) whose number of employees, including affiliates, does not exceed 500 persons;  
and

(b) that has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27, except for licenses permitted under 37 CFR § 1.27(a)(4).

Respectfully Submitted,

Name: FRANK FODA  
Title: PRESIDENT  
Date: 10/18/04

Choate, Hall & Stewart  
53 State Street  
Exchange Place  
Boston, MA 02109  
Phone: (617) 248-5000  
Fax: (617) 248-4000



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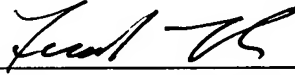
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**APPOINTMENT OF ATTORNEY**

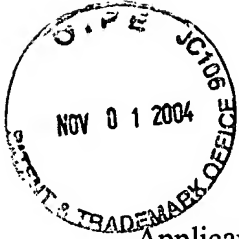
On behalf of INPHO, Inc., the undersigned hereby appoints Choate, Hall & Stewart, Customer No. 24280 as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Elizabeth E. Nugent, Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,

  
\_\_\_\_\_  
Name: FRANK FEND  
Title: President  
Date: 10/8/04

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Sir:

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
**(37 CFR § 3.73(b))**

The inventors of the above-referenced United States patent application have assigned their entire right, title, and interest in the inventions disclosed therein according to the following table:

Inventor	Assignee
Peter E. Oettinger	INPHO, Inc.
Frank M. Feda	INPHO, Inc.
Ruth E. Shefer	Newton Scientific, Inc.
Robert E. Klinkowstein	Newton Scientific, Inc.

Thus, the Assignee of the inventors' entire right, title, and interest is:

INPHO, Inc.

Newton Scientific, Inc.

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

\_\_\_\_ documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_; and

X documents separately submitted for recordal to the PTO (a copy of these documents is attached).

**STATEMENT**

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: <u>[Signature]</u> Name: <u>FRANK FEDT</u> Title: <u>PRESIDENT</u>	Inpho, Inc.	10/19/04
Signature: _____ Name: _____ Title: _____	Newton Scientific, Inc.	

According to 37 CFR § 3.73(b), the Assignee is entitled to take action relating to the application in the Patent and Trademark Office if the Assignee establishes ownership to the satisfaction of the Commissioner.

Ownership by the assignee is established as follows:

\_\_\_\_ documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_; and

X documents separately submitted for recordal to the PTO (a copy of these documents is attached).

#### **STATEMENT**

I, person(s) authorized to sign on behalf of the Assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as Assignee who seeks to take further action.

Name/Title	Assignee	Date
Signature: _____ Name: _____ Title: _____	Inpho, Inc.	
Signature: <u>Ruth Shefer</u> Name: <u>Ruth Shefer</u> Title: <u>President</u>	Newton Scientific, Inc.	10/14/04

## ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, Peter E. Oettinger, and Frank M. Feda, hereby

Sell, assign and transfer to INPHO, Inc. a Massachusetts corporation, having a place of business at **14 Woodmere Drive, Sudbury MA 01776**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed January 22, 2004 and entitled "Integrated X-ray Source Module," application serial no. 10/763,051 (attorney docket no. 2003627-0006) and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us, and that full right to convey the same as herein expressed is possessed by us.

Dated: August 25, 2004

Dated: 8-25-04

Dated: 8/25/04

Dated: 8/25/04

Dated: 8 25 04

Dated: 8/25/04

Peter E. Oettinger  
Peter E. Oettinger

Maury S. Oettinger  
Witnessed by:

Janet M. Fedra  
Witnessed by:

Frank M. Fedra  
Frank M. Fedra

Maury S. Oettinger  
Witnessed by:

Janet M. Fedra  
Witnessed by:

## ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, Ruth E. Shefer, and Robert E. Klinkowstein, hereby

255 REX.  
Sell, assign and transfer to Newton Scientific, Inc., a Massachusetts corporation, having a place of business at ~~245~~ **255 Bent Street, Cambridge, MA 02141**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent filed January 22, 2004 and entitled "Integrated X-ray Source Module," application serial no. 10/763,051 (attorney docket no. 2003627-0006) and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

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Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us, and that full right to convey the same as herein expressed is possessed by us.



Dated: July 19, 2004  
~~Ruth E. Shefer~~

Dated: 7/19/2004

Dated: 7/19/2004

Ruth E. Shefer  
Ruth E. Shefer

Anna M. Bernas  
Witnessed by:

Dennis Clarke  
Witnessed by:

Dated: July 19, 2004

Dated: 7/19/2004

Dated: 7/19/2004

Robert E. Klinkowstein  
Robert E. Klinkowstein

Anna M. Bernas  
Witnessed by:

Dennis Clarke  
Witnessed by:

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